

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INNER-TITE CORP.,

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Plaintiff

v.

CIVIL ACTION NO. 04-40219 FDS

DEWALCH TECHNOLOGIES, INC.,

§
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Defendant.

**JOINT STATEMENT
PURSUANT TO LOCAL RULE 16.1(d)**

Pursuant to Rule 16.1(d) of the Local Rules of the United States District Court for the District of Massachusetts, Plaintiff Inner-Tite Corp. and Defendant DeWalch Technologies, Inc. submit this Joint Statement for the Scheduling Conference to be held on March 3, 2005.

1. Proposed Discovery Plan

Pursuant to Local Rule 16.1(B), counsel for the parties have conferred in an effort to reach an agreement on a pretrial schedule. The parties have agreed on portions of the schedule, but were unable to reach agreement on other portions, as set forth below.

Pursuant to Local Rule 26.1(C), the parties agree that discovery should be limited to each party serving no more than the following on the opposing party: 25 Interrogatories, 25 Requests for Admission, and two sets of Requests for Production. Further, the parties agree to be limited to 10 fact depositions per side. Deposition of experts, if any, are also permitted.

Pretrial Schedule

<u>Agreed Date</u>	<u>Event</u>	<u>Plaintiff's Proposal</u>	<u>Defendant's Proposal</u>
March 11, 2005	Exchange initial disclosures pursuant to Rule 16(a)(1) of the Federal Rules of Civil Procedure		
June 24, 2005	All motions pursuant to Federal Rules of Civil Procedure 12, 15, 19 and 20		
	Service of written discovery (interrogatories, requests for admission and request for production of documents) shall be completed	4 months after a claim construction ruling is entered	August 26, 2005
	Responses to written discovery (interrogatories, requests for admission and requests for production of documents) shall be completed	5 months after a claim construction ruling is entered	September 30, 2005
	Factual discovery cut-off	6 months after a claim construction ruling is entered	October 28, 2005
	Identification of experts on issues for which the party has burden of proof, and disclosure of corresponding expert reports pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure	7 months after a claim construction ruling is entered	November 23, 2005
	Rebuttal expert reports	8 months after a claim construction ruling is entered	December 23, 2005
	Expert discovery cut-off	9 months after a claim construction ruling is entered	January 31, 2006

	Dispositive motions filed pursuant to Rule 56 of the Federal Rules of Civil Procedure	10 months after a claim construction ruling is entered	February 24, 2006
21 days after service of motion	Exchange of dispositive motion opposition briefs.		

2. Certification

The certifications required by Local Rule 16.1(D)(3) for both parties are attached hereto.

3. Consideration of Trial by Magistrate Judge

The parties do not consent to a trial by the Magistrate Judge.

4. Settlement

Plaintiff has made a settlement proposal as required by Local Rule 16.1(C).

Respectfully submitted,

INNER-TITE CORP.

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